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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,212	12/22/2003	Kenneth R. Schimnowski	06005/36156A	7622

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EXAMINER

WALLING, MEAGAN S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,212

Applicant(s)

SCHIMNOWSKI ET AL.

Examiner

Meagan S. Walling

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 10,11 and 15-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04, 5/2/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (JP 2000-121408) in view of Martel (US 5,642,097).

Regarding claim 1, Muramatsu teaches measuring a flow rate of a gaseous fuel flowing through the supply line (see abstract); calculating an expended fuel volume based on the measured flow rate (see abstract); determining a remaining liquid fuel level in the tank based on the expended fuel volume and tank capacity (see abstract).

Regarding claim 2, Muramatsu teaches that a regulator is disposed in the supply line (Ref. 21).

Regarding claim 3, Muramatsu teaches a flow measurement module having a processor (Ref. 9) and a memory is provided for measuring the flow rate of fuel flowing through the supply line (par. 27).

Regarding claim 4, Muramatsu teaches that the flow measurement module is provided integrally with the regulator (see paragraph 9).

Regarding claim 5, Muramatsu teaches that the flow measurement module calculates the expended fuel volume based on the flow rate of gaseous fuel (see abstract).

Regarding claim 6, Muramatsu teaches that the flow measurement module determines the remaining liquid fuel level in the tank based on the expended fuel volume and the tank capacity (see abstract).

Regarding claim 7, Muramatsu teaches that the flow measurement module includes a communication link, and in which a report station controller is communicatively coupled to the flow measurement module by the communication link (par. 22).

Regarding claim 8, Muramatsu teaches that the flow measurement module communicates the remaining liquid fuel level in the tank to the report station controller (par. 22).

Regarding claim 12, Muramatsu teaches a tank having a known liquid capacity (Ref. 2); a supply line in fluid communication with the tank (Ref. 24); a regulator disposed in the supply line (Ref. 21); a flow sensor associated with the supply line adapted to generate fuel flow information, the flow sensor including a communication link for communicating the fuel flow information (see abstract and par. 22); and a report station communicatively coupled to the flow sensor by the communication link to receive the fuel flow information, the report station including a controller having a memory (par. 22).

Regarding claim 13, Muramatsu teaches that the flow sensor comprises a flow measurement module integrally provided with the regulator, wherein the flow measurement module includes a processor and a memory (see paragraphs 9 and 27).

Regarding claim 14, Muramatsu teaches that the flow measurement module processor is programmed to calculate an expended fuel volume based on the fuel flow rate (see abstract).

Regarding claims 1 and 12, Muramatsu does not teach prompting a delivery of liquid fuel to the tank in response to the remaining liquid fuel level.

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Regarding claims 1 and 12, Martel teaches refilling a gas tank when the fuel level becomes low (column 3, lines 38-42).

Regarding claim 9, Martel teaches generating a low fuel alarm when the remaining liquid fuel level in the tank corresponds to a low fuel level, wherein the delivery of liquid fuel to the tank is prompted in response to the low fuel alarm (column 5, lines 33-38).

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Muramatsu with the teachings of Martel to use an alarm when the fuel level is low to prompt delivery of fuel to the tank. The motivation for making this combination would be to alert the user to refill the tank to avert a possible system shutdown (Martel, column 5, lines 35-38).

Allowable Subject Matter

2. Claims 10, 11, and 15-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowability of claim 10 is the inclusion of the limitation that the report station controller generates the low fuel alarm when the remaining liquid fuel level in the tank corresponds to the low level limit. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowability of claim 11 is the inclusion of the limitation that the tank capacity comprises a liquid tank capacity and the expended fuel volume is calculated as a gaseous expended fuel volume, the method further comprising converting the gaseous expended fuel volume to a liquid expended fuel volume before determining the remaining liquid level in the tank. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowability of claim 15 is the inclusion of the limitation that the tank capacity is stored in the flow measurement module memory, and in which the flow measurement module processor is programmed to calculate a remaining level of fuel in the tank based on the expended fuel volume and tank capacity. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowability of claim 18 is the inclusion of the limitation that the tank capacity is stored in the report station memory and the expended fuel volume is communicated to the report station, wherein the report station controller is programmed to calculate a remaining level of fuel in the tank based on the expended fuel volume and tank capacity. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

Conclusion

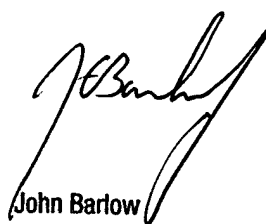
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw


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